

JAVANESE LEGAL ETHICS

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Abstract

In this paper I will only discuss Javanese law in relation to the underlying ethics; how Javanese law preserved the existing institutions in its society, and how the Javanese society formulated the violations of the law, in connection with ideals and ideas that are often deeply rooted, so as not to be unable or difficult to formulate by the Javanese society itself. The scope of the issues discussed in this paper is ethics in Javanese culture; especially regarding ethics in Javanese Law. Social control provides parameters, guidelines or norms about what is wrong and what is right, as well as what is normal and what is abnormal. In other words, social control is intended to prevent the behaviour of citizens from being too distorted, so as to ensure an integration of life in the society that is considered normal. The purpose of all that is to maintain a balance between stability and change.

Introduction

The ethics referred to here is the overall norms and judgments used by the people concerned to know how humans should live their lives. (Suseno, 1984:6). Whereas the Javanese law intended here is a law that was once created and enforced in the Javanese society; especially in the Javanese kingdoms of the 18th century AD; among which were Kraton Kasunanan Surakarta Hadiningrat, *Kraton Kasultanan Ngayogyakarta Hadiningrat*, *Mangkunegaran Temple*, and *Pakualaman Temple*.

The Javanese law has the following characteristics: 1) The law created by the enactment of the agreement of Giyanti (1755) dividing the Mataram kingdom into two, Surakarta Hadiningrat Sunanate and Ngayogyakarta Hadiningrat Sultanate, 2) The law contains norms, rules and legislation concerning the interests of the two kingdoms (bilateral) on society, security oversight, taxation, bureaucracy, land ownership, judicature, etc. 3) The law was finally implemented in the Mangkunegaran area (based on the agreement of Salatiga 1757) and Pakualaman (the establishment of Pakualaman 1812).

Javanese law consists of 1) *Nawala Pradata Dalem* (king's judicial letter), 2) *Angger Sadasa* (ten laws), 3) *Angger Ageng* (highest law), 4) *Angger Redi* (law of mountains), and 5) *Angger Arubiru* (security disturbance law).

The enactment of Javanese law which was originally only for Kasunanan and Kasultanan, was thereafter also applied to Mangkunegaran and Pakualaman. This shows that it seems, hypothetically, there was not any social change due to the division of Mataram kingdom into some parts. However, the consequences of the division in fact deeply disturbed the society both at the level of the royal political elites and the rural elites. In regards to how social unrest took place and how it was

solved until the Javanese law was created as a systematic effort to manage the social control, I have discussed in depth in the book of *System of Javanese Law of the 18th Century*, published by Wedatama Widya Literature, Jakarta, 2003.

In that regard, the Javanese law is seen as one of the aspects of social control in Javanese society. The social control in a society is carried out in various ways (Koentjaraningrat in Soekanto, 1981:94): 1) strengthening people's beliefs about the benefits generated by certain social rules, 2) rewarding citizens who obey certain social rules by applying positive sanctions; 3) developing embarrassment within the society if they deviate from a certain social norm or value, 4) causing fear, and 5) formulating the rules of the law.

As for the definition of the law itself, I quote the opinion of one of the legal anthropologist Pospisil (Ihromi, 1984: 110-111) as follows: 1) no society on earth has no law, 2) legal decisions are announced and widely known to the public so that it can be applied as a tool to manage social control (3) in legal decisions, "rules of death" are not included because it is clear that such rules do not play a role in social control, 4) legal decisions are positively formulated in an understandable language and do not permit different interpretations, 5) the legal provisions are not "outdated", 6) the legal decisions reflect the culture within a society, and reflect the "life" of that society, which is part of the life of the society itself, and 7) through legal precedents, the principles contained in the legal decree are not only for the public, but also applies to the authorities themselves.

With such an opinion, Pospisil formulates the legal structure as follows, that the law: 1) manifests in decisions made by a person possessing political authority, 2) contains a definition of the relationship between the two disputants (*obligatio*), 3) the application is done in a manner of regularity (universally applicable), and 4) contains certain sanctions. In other words, the structure of Javanese law can be seen from the understanding of the elements that constitute it, which is no one but the element of authority (the king, the leader, the chief of the tribe, the judges who made and decided the law), the element of *obligatio* (certain rights of one party and certain responsibilities of the other), the element of intention which aims to apply the law universally (the same principle to be applied for future society), and the element of sanction (a painful experience, both physically and psychologically applied to offenders).

By understanding the definition of social control and law as a part of a system in managing social control, thus it can be concluded that law must be learned as an integral part of culture and its society as a whole, which cannot be regarded as an autonomic institution or norm. In other words, law consists of values and norms adhered to by its society. In addition, law consists of basic postulates of values which can be barely expressed by the supportive society. For example, a typical perspective of a society and their culture hold onto what is right and wrong is mainly related to their "conscience" concerning being just and implementing justice. Therefore, I assume that in every law there contains an "ethic". What is meant by ethic here is the holistic norms and values that are adhered to by the particular society in creating concepts and the basis of rules of law. By understanding the characteristics, structure and system of Javanese law, we can be

aware of the ethics which base the law in accordance with the view of life of the Javanese society and culture. Thus, what comes into question is that what kind of ethics that base the law system of Javanese law.

Text Description of Javanese Law

Below we will describe these five types of Javanese legal texts:

a. Nawala Pradata Dalem (King's Judicature Letter)

This text is in the form of a letter (*nawala*) in Javanese language of *ngoko*, which contains a law issued by Kanjeng Susuhunan Pakubuwono VII, *Senapati Ingalaga Ngabdurrahman Sayidin Panatagama*, and was addressed to *Angabei Amongpraja*, in order to appoint him as a judge (*jeksa*) in the royal court (*pradataningsun*) whose job was to resolve and correct (*ambebeneri*), with a true heart (*temen-temen*), clean (*resik-resik*) and sincerely from his heart (*iklas atinira*), various problems that occurred among the people of Surakarta (*kawulaninhgsun*) concerning disputes and quarrels (*aparapadu*). This law was applied not only to the people of Surakarta but also to the people of Ngayogyakarta, since an agreement was taken between the two kingdoms in the Jatisari Treaty (Agreement Giyanti, 1755) and also applied also to the people of Mangkunegaran since the agreement in Salatiga (agreement Salatiga, 1757). The whole matter was enacted in 42 chapters, and in the conclusion of the article, it is stated as such: "Written in the kingdom of Surakarta Hadiningrat on Saturday, the 18th, the *Besar* month, Dal year, 1759" or 1831 AD.

b. Angger Sadasa (ten laws)

The text of this law is in the Javanese language of *krama*, made and issued by Patih Surakarta; *Adipati Sasradiningrat*, after coming into agreement with the high officials (*nayaka*) of Surakarta and Yogyakarta as well as by the permission (*kaiden*) of the Resident in Surakarta, Rehik Van Bren, who controlled the Loji Office and *Kanjeng Aryo Prabu Prang Wedana* whose rank was a colonel commander in Surakarta, and also had asked for guidance (*atas terang dhawuh dalem*) from the king of Surakarta. This law was addressed to the ten municipal administrators or officers of the king (*abdi dalem*): *panewu*, *panatus*, *paneket*, *panalawe*, *panigang*, *pananjung*, *panakikil*, *lurah*, *bekel*, and *jajar*, in order to work on deciding or completing the case (*amancasi prekawis*) through *Bale Mangu Kapatihan*, with a genuine heart (*temen-temen*), clean (*resik-resik*), and sincerity (*angeklasena salebeting manah*). It was also stated in a sanction that if they did not perform their duties in the best manner possible, moreover based on the three moral principles above, they would be dismissed (*kaundur*) from their respective positions.

The overall problems that these officials had to address were outlined in the 50 articles of the law. Especially in Angger Sadasa, there was not any listed date or

the year of writing. But we can align the year of law making with Angger Ageng, that it might have been enacted (codified) almost simultaneously with the writing of Angger Ageng, which was in 1817, as evident from the Resident who served in Surakarta at that time, *tuwan Rehi Van Bren*.

c. Angger Ageng (Highest Law)

The text of this law is in Javanese language of *krama*, containing on issues concerning the bilateral relationship between the two kingdoms of Surakarta and Yogyakarta (including Mangkunegaran), issued by Kanjeng Raden Adipati Sasradiningrat (Patih Surakarta) and the brother (*ingkang rayi*) of *Kanjeng Raden Adipati Danureja* (Patih of Yogyakarta), which had also been agreed upon by the high-ranking officials (*nayaka*) of the two kingdoms, who had also been given permission (*kaiden*) by *Kanjeng Tuwan Rehi Van Bren*, the Resident of Surakarta, and *Kanjeng Tuwan Major Rider Mister Gerar Nahus*, the Resident of Yogyakarta. It was signed at the Klaten Loji Office on 16 October 1817. The entire law is outlined in 41 articles. Particularly in Article 1, it was reaffirmed (*wewaler*) that the official acceptance of judicial matters was cases occurring since the agreement of Giyanti, as well as cases concerning the Mangkunegaran people, since the agreement of Salatiga was settled.

d. Angger Redi (Law of the Mountain)

The text of this law is in Javanese language of *ngoko*, issued by Kanjeng Susuhunan Pakubuwono Panatagama VII, as an official who earned *Leyo* star from Netherlands (*kumendhur songka bintang leyo ing Nederlan*), also *Kanjeng Tuwan Mayor Rider*, a Resident of Surakarta Hadiningrat, which was addressed to Adipati Sasradiningrat to carry it out. In the opening of this law, it was confirmed that Adipati Sasradiningrat was given the power to directly supervise the implementation of his subordinate's positions whose rank was *Tumenggung*, *Kaliwon Panewu Gunung* (*yen saiki sira sun paring parentah panguasa angger-anggeran kawulaningsun Tumenggung Kaliwon Panewu Gunung*), who was under the power of Patih (*kapatiyan*) and Adipati (*kadipaten*) for the region of Pajang and Sukowati. The entire law is outlined in 102 articles. In its last chapter, it is stated that this law was written on the 15th of the month of the *arwah* (possibly *ruwah*, which means 'spirit') in the year of Be, 1768 Java (AD 1846).

e. Angger Arubiru (Security Disturbance Law)

The text of this law is in Javanese language of *krama*, issued by Kanjeng Radem Adipati of Danuningrat (Patih Surakarta) concerning various issues in the general tranquility between the two kingdoms, such as sabotage, fraud, stealing of land property, broken promises, runoffs, bribery cases, suing and suits, selling-buying and borrowing. The entire law is outlined in 40 chapters. In the last article, the date of very first writing was written, which was the 11th, the month of *Sura*,

the year of *Alip*, with the number 1699 Java (the year of AD 1777), and then it was reenacted after some additions or revisions (*kala dadosing rembag malih amewahi saliring prakawis ingkang sami textih kakirangan ingkang sampun kalampahan*) on Monday, the 5th, the month of *Besar*, the year *Ehe*, with the number 1708 Java (the year AD 1786).

Contextual Javanese Law

a. Social Political Condition

The Giyanti Treaty is an elite level of agreement, in which only the royal elite level was directly concerned. Theoretically on a piece of paper, the treaty solved problems concerning contests of power and territories. However, the actual situation and conditions regarding the realisation of the division were still in question. Although both parties had acquired equal parts and counts, in reality, the ownership over these areas still overlapped. Sultan's lands, for example, were still located in the Sunan area, and vice versa. The further consequences of such circumstances were affecting the people in regards to their rights and responsibilities. We can imagine how shattered was the life of Javanese people during those days, especially with the administration and bureaucracy they had to come in terms with. In terms of police surveillance, for example, many criminals who, after performing their crimes, fled from the Sultan's area to the Sunan area, and vice versa, making it difficult for both parties to proceed the arrest. Moreover, some of these crimes often occurred in foreign areas that were relatively far from the central supervision.

Overseas were a rice producing area and a source of energy (army). In such situations and conditions, it was very difficult to disregard the idea of the absence of problems in respect to the functions and roles of the region to the center as its orientation. In fact, there were frequent wars between villages, robberies, murders and so on. In short, there were a lot of riots. All this was happening not because the people were directly involved with high-level political problems at the centre, but it was them facing their own problems, as they began to lose their rights in property because they were looted by the local rulers or they were forced to hand them over due to the agreement. Such social tensions appeared to have occurred anywhere in those days, especially in areas directly adjacent to both sides.

b. Socio-Economic Conditions

The most painful consequence of Mataram (before it was divided) was when Sunan Pakubuwono II, on December 11, 1749, succeeded in defusing the Mangkubmi and Mas Said Rebellion, with the help of the VOC, thus making the VOC the landlord of Mataram. As a result of this development, since then Java became the Country of Mandatory Work and Submission. Burger and Prajudi, 1962:68). What is meant by the Country of Mandatory Work is that Java was in a state of completely under the VOC monopoly, thus it must satisfy any desire or

demand of the company in the planting of various important commercial commodities at that time, for example: pepper, coffee, tobacco, and so on. Meanwhile, the Country of Mandatory Submission means that Java had to deliver the VOC's desired quantity of goods in fluctuating quantities to be purchased at a specified price.

We can imagine how destructive the actual socio-economic situation for the two new kingdoms was. The entire coastal area or almost all the eastern and western regions at that time had been dominated by the VOC. Judging from this reality, it was as if inevitable that all this was a result of the historical reality that preceded it. This is evident from the history of the VOC power journey in Java, especially in economic control activities: (1) Until the year 1677, the Company in Java was to *receive rice* with ordinary purchases; (2) from that year onwards the VOC acquired the monopoly to import *textile* and *opium goods*, exported *sugar* from Semarang and Jepara, had prime purchasing rights to *rice*, in addition to the rights to *control* and *receive revenues* from the northern coastal port of Java; (3) since 1705, Mataram submitted to the VOC several commercial areas of Cirebon and Madura, and each year Mataram had to deliver rice in a predetermined amount; (4) from 1723, the compulsory submission was extended to include pepper and wood; (5) since 1743, the coastal areas of Semarang, Jepara, Rembang, Surabaya, East End of Java and Madura, belonged to the VOC. Mataram began to bear the responsibility of the new submissions of Yogyakarta (Kota Gede). After this trade vanished, Java only knew the villagers who were self-sufficient and the kings and nobles in the upper layers. Therefore, socio-economic conditions of the Javanese society started becoming feudalistic. Moreover, in the rural areas the circulation of money was almost non-existent, thus Java was experiencing the process of feudalism; that the formerly diverse (differentiated) societal structure shifted towards a very heavily one-sided feudal structure. Mataram also had to bear a new obligation to submit rice, indigo and cotton; and (6) since 1755, after the Third War of the Throne of Java, Sunan Mataram surrendered the entire Mataram Kingdom to the VOC.

c. Socio-Cultural Conditions

The division of the kingdom had become stronger since 1770, although there was a need of a legitimacy for the newly established kingdoms. This might have been intended to gain confidence in the sense of "vulnerability" because each ruler felt and claimed to be a direct descendant of Mataram (Sultan Agung). From this assumption each king then felt under the protection of *Ratu Kidul*, who therefore felt entitled to become King of Java, and so on. All ideas or ideas about the background of the descent were poured into the works of *Babad Literature* and other works of art. With and through the literature, it was as if the kings wanted to change the historical facts, according to the desired legitimacy. Hence, what happened at that time was a rebuilding of cultural values adapted to the desires and interests of each king.

In addition, even the development of *wayang* stories began to reach its peak; the 18th century was called the century "Heroes Culture", that the ideals of life at that

time consisted of the ideals of the hero, the ideals of life of a knight. This culture respected the noble-life forms embodied in the classical Javanese literature, especially *wayang*. Even the works of the *Babad Kraton Yogyakarta*, for example, contained many references to the diversity of *wayang* stories as well as *wayang* shows, especially *wayang wong*. Such popularity of this show, it even had Pangeran Diponegoro himself identify himself with the *wayang* figures; in attitude and actions. In fact, he explicitly identified himself with Arjuna's character in a *babad* that he wrote himself.

Javanese Law System

The legal structure of Javanese law in the context of eighteenth-century Javanese society was built by elements of *authority*, *the intent to apply universally*, *obligatio* and *sanctions*.

The authorities within the Javanese law structure was Pakubuwono VII, the king of Surakarta (authority 1) who was in agreement with Hamengkubuwono, the king of Yogyakarta (authority 1a) to make the supreme law of *Nawala Pradata Dalem* and *Angger Ageng*, to be carried out by Angabei Amongpraja in Surakarta and Angabei Nitipraja in Yogyakarta, and also by the two patriarchs, Adipati Sosrodiningrat in Surakarta and Adipati Danureja in Yogyakarta. Patih Surakarta and Patih Yogyakarta were the 2nd authorities, who created *Angger Sadasa* and *Angger Arubiru*.

The element of the intent to apply universally was also explicitly contained in the substance of the Javanese law, for example, the declaration concerning when the law began to take place, for what cases and how, who was subjected to the sentence, and so forth; these were reinforced by dictions of *saupami*, *yen*, *yen ana*, *wondene*, *ana dene*, *laughing*, *seagrass ana*, *bilih menawi*, and *mungguh*; which were always used in the opening of the articles in every rule of law; this is a presupposition for all legal cases considered the same, whenever and wherever it took place.

The element of *obligatio* in the structure of Javanese law is also expressed in a legal decision containing the rights or obligations or the relations of social law between the two disputing parties, such obligation to prosecute must meet the following conditions: 1) the letter must be official, 2) the letter must be stamped, 3) may represent, 4) shall declare the lawsuit in the letter; 5) must strengthen the lawsuit by swearing.

The element of sanction within the law is an additional part of the decision that contains statements on how the *obligatio* should be resolved and how to rectify the situation that has been violated. In Javanese law there were several kinds of sanctions to be imposed for anyone found guilty in court. In addition, sanctions would also be imposed on the law officers themselves if they violated Javanese legal justice rules. Several types of the sanctions were: 1) to pay fines with money, 2) to pay fines with work (to be servants), 3) to be whipped, 4) to be chained, 5) to pay for indemnification, 6) to swear, 7) to be dismissed from the position, and 8) to

be exiled. With careful attention, it can be seen that these sanctions had their own qualities with regards to the severity of the error.

Thus, the Javanese law system in 18th century Javanese society can be summarized as follows: 1) Javanese law is a system that served for social control of Javanese society that was undergoing changes due to the enactment of the agreement Giyanti (1755) which had divided the Mataram kingdom into two parts, the Sunanate of Surakarta Hadiningrat and the Sultanate of Ngayogyakarta Hadiningrat, which further also applied to Mankunegaran and Pakualaman; 2) The functioning of the Javanese law system was strongly supported by the functioning of the elements of authority, the intention to apply universally, *obligatio*, and sanctions, which was in accordance with the needs and problems of social politics of Javanese society at that time, and 3) The functioning of Javanese law could be proved by the success of the Javanese society who came into agreement to preserve the values, traditions, institutions, and the Javanese views of life of the time.

Closing

Thus, with regard to the whole description and discussion above, it can be concluded that:

1. The word *resolving* or correcting (*ambebeneri*) in the settlement of a legal dispute mandated by the king to Angabei Amongpraja, as well as Agabei Amongpraja mandated onwards to the Pamongpraja or *pengulu* as his subordinate, was an ideal value of the law (legal ethics) of Javanese, where it seemed to have become a custom in the Javanese society and culture at that time. It also reflects a Javanese way of life to always resolve the balance, and peace in the sense of "harmony" defined by the Javanese in the context of the balanced relationship between the micro and the macrocosms.
2. The moral values of the genuine heart (*temen-temen*), clean (*resik-resik*) sincerity from heart (*iklas atinira*), which was mandated by the king to all law officers in solving various problems that happened to the people (*kawulaningsun*) relating to disputes and quarrels (*aparapadu*), for the people of Surakarta, Yogyakarta, Mangkunegaran and Pakualaman, was also a legal ethic typical of Java.
3. With regards to the idea of the rules of law in the implementation of Javanese law, there was also a reconciliation convention and it seemed to be a top priority for the settlement of disputes arising between the two parties, before the dispute could formally and informally be "reasonably" brought to justice (*surambi*). This proves that Javanese society at that time also embraced a legal ethic based on the view of life of balance or harmony between the world of microcosms and macrocosms.
4. With regards to some types of sanctions created in Javanese law, it also proves that the many types of sanctions were a precautionary attitude of the Javanese law system to judge every case that had been decided in court.

5. Javanese law also recognised the provision of sanctions, not only to defendants who lost in court, but also against legal officers if found guilty of slowing or even unable to settle the case in court.
6. Even Javanese law did not recognise the penalty of "confinement" or imprisonment in a closed place, but instead was more familiar with the punishment of chaining or exiling, it is also a typical "ethics" of *kejawen*, which contains the values of universal humanism because even in the greatest punishment there remains a possibility for the availability of a "promising new living space" to one for the sake of its existential life in the future.
7. Therefore, Javanese law did not recognise the death penalty.

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